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OPTV/MOFO C/O MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD, SUITE 300 MCLEAN, VA 22102			HOSSAIN, FARZANA E	
			ART UNIT	PAPER NUMBER
			2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/933,928

Applicant(s)

PELIOTIS ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) 9, 27, 28, 40, 41, 59 and 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-26, 29-39, 42-58, 61-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06-18-03, 1-30-03, 12-23-02, 07-22-02, 1-14-02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the remote control that generates custom tag information must be shown or the feature(s) canceled from claims 47 and 48. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 39 is objected to because of the following informalities: Line 3 of the claim recites, " a personal video recorder coupled to an input of said set top box." The set top box is not claimed until Line 7. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim depends from itself. The Office assumes that Claim 21 depends either from Claim 19 or Claim 20.
5. Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 38 recites, "remote control transmits the video preference information to said system and receives information from said system." The specification does not detail that information is received by the system. The Office assumes that information can be any data that is the outcome of the transmission of preference information.
6. Claim 47 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Claims 47 and 48 recite, "a remote control that generates said custom tag information." The remote control was not disclosed in the specification or the drawings. Claims 47 and 48 recite, "a keyboard that generates said custom tag information." The remote control was not disclosed in the specification.

7. Claim 56 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 56 recites, "back channel comprises an asymmetric system that uses standard telecommunication connections..." A back channel is a communications path not a system. The Office assumes that the "comprises" to be "connected to."

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1, 3, 7, 8, 10, 14, 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwoh (US 6,226,793).

Regarding Claims 1, 14, Kwoh discloses a method of selecting preferred video segments and excluding unwanted video segments from a plurality of video segments within a video stream (Figure 26) comprising: encoding markers within the video stream (Figure 23, 664, 668 Figure 24, 684, 688, 693, 694), the markers having a position in

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the video stream that indicates a division between the plurality of video segments of the video stream (Figure 23, 664, 668 Figure 24, 684, 688, 693, 694); encoding tags within the video stream that indicate content of each video segment (Figure 21); using video preference information of the viewer to select the preferred video segments and exclude the unwanted video segments by comparing the tags with the video preference information of the viewer (Figure 26).

Regarding Claim 64, Kwoh discloses a method of selecting preferred video segments and excluding unwanted video segments from a plurality of video segments within a video stream (Figure 26) comprising: encoding markers within the video stream during live transmission (Column 13, lines 33-64, Figure 23, 664, 668 Figure 24, 684, 688, 693, 694), the markers having a position in the video stream that indicates a division between the plurality of video segments of the video stream (Figure 23, 664, 668 Figure 24, 684, 688, 693, 694); encoding tags within the video stream during live transmission that indicate content of each video segment (Column 13, lines 33-64, Figure 21); using video preference information of the viewer to select the preferred video segments and exclude the unwanted video segments by comparing the tags with the video preference information of the viewer (Figure 26).

Regarding Claim 3, Kwoh discloses all the limitations of Claim 1. Kwoh discloses that step of encoding tags and markers within the video stream comprise encoding tags and markers manually by a use of computer (Figure 20, 10007).

Regarding Claim 7, Kwoh discloses all the limitations of Claim 1. Kwoh discloses that step of encoding tags comprise placing information from an Electronic Programming Guide into the video stream (Column 15, lines 1-22).

Regarding Claim 8, Kwoh discloses all the limitations of Claim 1. Kwoh discloses that step of encoding tags and markers within the video stream comprise placing the tags and markers in a vertical blanking interval within the video stream (Column 14, lines 66-67, Column 15, lines 1-9).

Regarding Claim 10, Kwoh discloses all the limitations of Claim 1. Kwoh discloses that excluding the video segments by blocking the particular segments in the video stream (Figures 30-32) and proceeding to a selected video segment (Column 19, lines 23-26). \*\*

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 4, 6, 15-24, 33, 36, 38, 39, 63, 65, 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Cragun et al (US 5,859,662 and hereafter referred to as "Cragun").

Regarding Claim 15, Kwoh discloses a method of selecting preferred video segments and excluding unwanted video segments from a plurality of video segments

within a video stream (Figure 26) comprising: encoding markers within the video stream (Figure 23, 664, 668 Figure 24, 684, 688, 693, 694), the markers having a position in the video stream that indicates a division between the plurality of video segments of the video stream (Figure 23, 664, 668 Figure 24, 684, 688, 693, 694); encoding tags within the video stream that indicate content of each video segment (Figure 21); recording the video content at the viewer's premise on a VCR (Figure 30, 908), using video preference information of the viewer to select the preferred video segments and exclude the unwanted video segments by comparing the tags with the video preference information of the viewer (Figure 26), selecting the preferred video segments from the video content stored on the VCR for viewing by the viewer (Figure 31, Figure 32). Kwoh is silent on the storing the video content at the viewer's premise in local storage and downloading the preferred segments from the storage. Cragun discloses storing the video content at the viewer's premise in local storage (Figure 1, 105, Column 11, lines 26-30), using video preference information of the viewer to select the preferred video segments and exclude the unwanted video segments by comparing the tags with the video preference information of the viewer (Column 11, lines 18-36), downloading the preferred video segments from the video content stored in the local storage for viewing by the viewer (Figure 1, Column 16, lines 38-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to storing the contents in local storage (Figure 1, 105, Column 11, lines 26-30) and downloading the preferred video segments (Figure 1, Column 16, lines 38-41) as taught by Cragun in order to selectively view programs or portions of programs by



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editing out programming that is offensive (Column 1, lines 34-39) as disclosed by Cragun.

Regarding Claims 16, 17, 18, Kwoh discloses a method of selecting preferred video segments and excluding unwanted video segments from a plurality of video segments within a video stream (Figure 26) comprising: encoding markers within the video stream (Figure 23, 664, 668 Figure 24, 684, 688, 693, 694), the markers having a position in the video stream that indicates a division between the plurality of video segments of the video stream (Figure 23, 664, 668 Figure 24, 684, 688, 693, 694); encoding tags within the video stream that indicate content of each video segment (Figure 21); using video preference information of the viewer to select the preferred video segments and exclude the unwanted video segments by comparing the tags with the video preference information of the viewer (Figure 26). Kwoh is silent on using key words as tags to compare to the video segments. Cragun discloses receiving encoded keywords within the video stream that indicate content of each video segment or encoding the key words with the video stream at video source (Figure 1, Figures 4D, 4E) and comparing the key words with preference information to select the preferred video segments and exclude the unwanted video segments (Figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to include key words as tags to compare to preference information (Figures 1, 4D, 4E, 6) as taught by Cragun in order to selectively view programs or portions of programs by editing out programming that is offensive (Column 1, lines 34-39) as disclosed by Cragun.

Regarding Claims 19 and 39, Kwoh discloses a system for selecting and excluding video segments in a video stream to be viewed by a viewer (Figure 26) comprising: an encoder that encodes said video stream with tags and markers to generate an encoded video stream (Figure 20, 10001, 10003, 10004); a set-top box (STB) that receives said encoded video stream (Figure 20, 10005) and a video database, coupled to the STB that stores the video stream (Figure 30) and a comparator (Figure 26), coupled to the STB, that receives the tags and the markers (Figure 1) and viewer preferences and compares the tags with the viewer preferences (Figure 27 and Figure 28). Kwoh disclose that the markers are inserted to the vertical blanking interval or VBI or closed captioning (Figure 21, Column 14, lines 66-67, Column 15, lines 1-9). Kwoh is silent on the separation of tags and markers to generate an un-encoded video stream, a video database that stores the un-encoded video stream, and a comparator that generates pointers that point to locations of the video segments and select the preferred videos segments in the video database. Cragun discloses separates said tags and said markers from said encoded video stream to generate an un-encoded video stream (Figure 1, 102, 114, 103, Column 11, lines 18-34); a video database, coupled to the set-top box, that stores said un-encoded video stream (Figure 1, 105) and generates a selected video stream (Column 11, lines 18-34); a comparator (Figure 1, 104) coupled to the set-top box, that receives said tags and said markers and viewer preferences and compares said tags with said viewer preferences to generate pointers (Figure 1, 102, 103, 114), that point to locations of video segments in said video database, and that select and exclude said video

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segments from said video database to generate said selected video stream (Column 16, lines 38-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to a video database that stores un-encoded video stream (Figure 1, 105) and generates a selected video stream (Column 11, lines 18-34); a comparator, coupled to the set-top box, that receives tags and markers and viewer preferences and compares tags with viewer preferences to generate pointers (Figure 1, 102, 103, 114), and that select and exclude said video segments from said video database to generate the selected video stream (Column 16, lines 38-41) as taught by Cragun in order to selectively view programs or portions of programs by editing out programming that is offensive (Column 1, lines 34-39) as disclosed by Cragun.

Regarding Claim 39, Cragun discloses a system for selecting and excluding video segments in a video stream to be viewed by a viewer comprising: a personal video recorder coupled to an input of a set-top box that filters said video stream to provide the video segments to be viewed by said viewer (Figure 1, 102). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to include a personal video recorder coupled to an input of a set-top box that filters said video stream to provide said video segments to be viewed by said viewer (Figure 1, 102) as taught by Cragun in order to selectively view programs or portions of programs by editing out programming that is offensive (Column 1, lines 34-39) as disclosed by Cragun. See above rejection of Claim 19 and 39 for further details.

Regarding Claim 63, Kwoh discloses a method of selecting preferred video segments and excluding unwanted video segments from a plurality of video segments within a video stream comprising: encoding markers within the video stream (Figure 23, 664, 668 Figure 24, 684, 688, 693, 694), the markers having a position in the video stream that indicates a division between the plurality of video segments of the video stream (Figure 23, 664, 668 Figure 24, 684, 688, 693, 694); encoding tags within the video stream that indicate content of each video segment (Figure 21); using video preference information of the viewer to select the preferred video segments and exclude the unwanted video segments by comparing the tags with the video preference information of the viewer (Figure 26). Kwoh disclose that the markers are inserted to the vertical blanking interval or VBI or closed captioning (Figure 21, Column 14, lines 66-67, Column 15, lines 1-9). Kwoh is silent on using voice recognition as tags to compare to the video segments. Cragun discloses receiving voice recognition tags within the video stream that indicate content of each video segment or encoding the key words with the video stream at video source (Figure 1, 130) and comparing the tags with preference information to select the preferred video segments and exclude the unwanted video segments (Figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to include tags using voice recognition to compare to preference information (Figures 1, 130) as taught by Cragun in order to selectively view programs or portions of programs by editing out programming that is offensive (Column 1, lines 34-39) as disclosed by Cragun.

Regarding Claim 65, Kwoh discloses a system for selecting video segments in a video stream in real time to create a selected video stream to be viewed by a viewer (Figure 26, Figure 20, Column 13, lines 33-64) comprising: and encoder that automatically encodes the video stream during the live transmission of the video stream with tags and markers to generate a live encoded video stream (Column 13, lines 33-64, Figure 23, 664, 668 Figure 24, 684, 688, 693, 694, Figure 21); a STB that receives said encoded live encoded video stream (Figure 20, 10005) and a video database, coupled to the STB that stores the video stream (Figure 30) and a comparator (Figure 26), coupled to the STB, that receives the tags and the markers (Figure 1) and viewer preferences and compares the tags with the viewer preferences (Figure 27 and Figure 28). Kwoh disclose that the markers are inserted to the vertical blanking interval or VBI or closed captioning (Figure 21, Column 14, lines 66-67, Column 15, lines 1-9). Kwoh is silent on the separation of tags and markers to generate an un-encoded video stream, a video database that stores the un-encoded video stream, and a comparator that generates pointers that point to locations of the video segments and select the preferred videos segments in the video database. Cragun discloses separates said tags and said markers from said encoded video stream to generate an un-encoded video stream (Figure 1, 102, 114, 103, Column 11, lines 18-34); a video database, coupled to the set-top box, that stores said un-encoded video stream (Figure 1, 105) and generates a selected video stream (Column 11, lines 18-34); a comparator (Figure 1, 104) coupled to the set-top box, that receives said tags and said markers and viewer preferences and compares said tags with said viewer preferences to generate pointers (Figure 1, 102,

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103, 114), that point to locations of video segments in said video database, and that select and exclude said video segments from said video database to generate said selected video stream (Column 16, lines 38-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to a video database that stores un-encoded video stream (Figure 1, 105) and generates a selected video stream (Column 11, lines 18-34); a comparator, coupled to the set-top box, that receives tags and markers and viewer preferences and compares tags with viewer preferences to generate pointers (Figure 1, 102, 103, 114), and that select and exclude said video segments from said video database to generate the selected video stream (Column 16, lines 38-41) as taught by Cragun in order to selectively view programs or portions of programs by editing out programming that is offensive (Column 1, lines 34-39) as disclosed by Cragun.

Regarding Claim 2 and 6, Kwoh discloses all the limitations of Claim 1. Kwoh is silent on encoding tags comprises encoding key words. Cragun discloses encoding tags is encoding keywords within the video stream, relating to the content of the video stream and (Figure 1, Figures 4D, 4E) and comparing the key words with preference information to select the preferred video segments and exclude the unwanted video segments (Figure 6). Regarding Claim 6, Cragun disclosed that the keywords are input by the viewer (Figure 4D, 4E). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to include key words as tags to compare to preference information (Figures 1, 4D, 4E, 6) as taught by

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Cragun in order to selectively view programs or portions of programs by editing out programming that is offensive (Column 1, lines 34-39) as disclosed by Cragun.

Regarding Claim 4, Kwoh discloses all the limitations of Claim 1. Kwoh disclose that the markers and tags are inserted to the vertical blanking interval or VBI or closed captioning (Figure 21, Column 14, lines 66-67, Column 15, lines 1-9). Kwoh is silent on encoding tags and markers comprises encoding tags and markers automatically by use of voice recognition techniques. Cragun discloses encoding tags comprises encoding tags and markers automatically by use of voice recognition techniques (Column 18, lines 66-67, Column 19, lines 1-15). It would have been obvious to encode all VBI or closed captioning by use of voice recognition, which includes markers of Kwoh that are in VBI, or closed captioning. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh encoding tags and markers automatically by use of voice recognition techniques (Column 18, lines 66-67, Column 19, lines 1-15) as taught by Cragun in order to selectively view programs or portions of programs by editing out programming that is offensive (Column 1, lines 34-39) as disclosed by Cragun.

Regarding Claim 20, Kwoh and Cragun disclose all the limitations of Claim 19. Cragun discloses a system for selecting and excluding video segments in a video stream to be viewed by a viewer comprising: a personal video recorder coupled to an input of a set-top box that filters said video stream to provide the video segments to be viewed by said viewer (Figure 1, 102).

Regarding Claim 21, Kwoh and Cragun disclose all the limitations of Claims 19 and 20 (currently the claim depends from itself, see 112 rejection). Cragun discloses a VBI or closed captioning decode which separates the tags and markers from the video stream (Figure 1, 113, 102, 103).

Regarding Claim 22, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh discloses that a filter/switch uses comparison data to select and exclude the un-encoded video stream (Column 11, lines 25-40).

Regarding Claim 23, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh discloses that step of encoding tags comprise content data relating to the video stream (Column 15, lines 1-22).

Regarding Claim 24, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh discloses that the tags comprise rating information of the video segment (Figures 23 and 24).

Regarding Claims 33 and 66, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh discloses that the markers and tags are inserted to the vertical blanking interval or VBI or closed captioning (Figure 21, Column 14, lines 66-67, Column 15, lines 1-9). Kwoh is silent on encoding tags and markers comprises encoding markers by applying voice recognition software. Cragun discloses encoding tags markers comprises encoding tags markers by applying voice recognition software to the video stream (Column 18, lines 66-67, Column 19, lines 1-15).

Regarding Claim 36, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh discloses that the plurality of video segments in the video stream comprise a live



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broadcast signal that is sent to the STB at a viewer's premises (Column 13, lines 33-64).

Regarding Claim 38, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh discloses a viewer personalized remote control or input device (Figure 25, 732) that transmits the video preference information to the system (Figure 25, 26) and displays selected programming on the TV (Figure 32), which reads on receiving information from the system.

12. Claims 11, 61, 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Rosser (US 6,446,261).

Regarding Claim 61, see rejection of Claim 1. Kwoh discloses receiving video streams from broadcast or storage (Figure 1). Kwoh is silent on alternate video segments. Rosser discloses alternate video segments or the insertions/advertisements to replace excluded video or causing a default advertisement to be requested for display based on preference information (Column 7, lines 46-56, Column 13, lines 33-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to replace the regular video segment with the alternate video segment based on viewer preferences (Column 13, lines 33-41) as taught by Rosser in order to provide efficient power and memory at the set top device (Column 2, lines 16-20) as disclosed by Rosser.

Regarding Claims 11, 69, 70 and 71, Kwoh discloses all the limitations of Claims 1, 1, 14 and 64 respectively. Kwoh discloses receiving video streams from broadcast or

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storage (Figure 1). Kwoh is silent on alternate video segments. Rosser discloses alternate video segments or the insertions/advertisements to replace excluded video or causing a default advertisement to be requested for display based on preference information (Column 7, lines 46-56, Column 13, lines 33-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to replace the regular video segment with the alternate video segment based on viewer preferences (Column 13, lines 33-41) as taught by Rosser in order to provide efficient power and memory at the set top device (Column 2, lines 16-20) as disclosed by Rosser.

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Elam (US 6,216,263).

Regarding Claim 12, Kwoh discloses all the limitations of Claim 1. Kwoh discloses that the excluded video segment will not be displayed (Figure 32). Kwoh is silent on a blank slate being displayed. Elam discloses that the excluding of video segments will comprise displaying a blank slate during the excluding video (Column 2, lines 8-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to exclude video segments by displaying a blank slate during the excluding video (Column 2, lines 8-30) as taught by Elam in order to provide parental control over the viewing by children of television programs (Column 1, lines 6-12) as disclosed by Elam.

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14. Claims 5, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Abecassis (US 5,664,046).

Regarding Claim 5, Kwoh discloses all the limitations of Claim 1. Kwoh discloses that scenes can be blocked via tags and markers within the video stream if there is offensive matter (Column 11, lines 15-50). Kwoh is silent on the video stream being encoded based on detection of scene changes. Abecassis discloses that the video stream is automatically encoded with markers and tags within the video stream based upon detection of changes of scenes (Figure 3A). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to automatically encode the video stream with markers and tags within the video stream based upon detection of changes of scenes (Figure 3A) as taught by Abecassis in order to provide censoring capabilities in programs (Column 2, lines 20-27) as disclosed by Abecassis.

Regarding Claim 13, Kwoh discloses all the limitations of Claim 1. Kwoh is silent on video games. Abecassis disclose that the step of selecting and excluding video segment in a video stream further comprises selecting and excluding video segments in video games (Column 3, lines 49-67, Column 4, lines 1-4, 64-67, Column 5, 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to include selecting and excluding video segments in video games (Column 3, lines 49-67, Column 4, lines 1-4, 64-67, Column 5, 1-5) as taught by Abecassis in order to provide censoring capabilities in video games and

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programs so that children are not exposed to adult material (Column 3, lines 22-35) as disclosed by Abecassis.

15. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh and Cragun as applied to claim 19 above, and further in view of Eyer (US 6,483,547).

Regarding Claim 25, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh discloses that the tags and markers are placed in the VBI or closed captioning. Kwoh and Cragun are silent on the tags and markers being analog. Eyer discloses that the tags and markers are encoded as analog data in the video stream to generate the encoded video stream (Figure 1, 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh in view of Cragun to encode tags and markers as analog data to generate the encoded video stream (Figure 1, 16) as taught by Eyer in order to use identification data to access information about the program (Column 2, lines 29-41) as disclosed by Eyer.

16. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh and Cragun as applied to claim 19 above, and further in view of Beckman et al (US 6,675,388 and hereafter referred to as "Beckman").

Regarding Claim 26, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh discloses that the tags and markers are placed in the VBI or closed captioning. Kwoh and Cragun are silent on the tags and markers being digital. Beckman discloses that the tags and markers are encoded as digital data or that digital data is inserted into

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the VBI in the video stream to generate the encoded video stream (Column 4, lines 33-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh in view of Cragun to encode tags and markers as digital data to generate the encoded video stream (Column 4, lines 33-35) as taught by Beckman in order to coordinate distribution of digital and analog broadcasts to receivers (Column 2, lines 1-11) as disclosed by Beckman.

17. Claims 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Cragun as applied to claim 19 above, and further in view of Elenbaas et al (US 2005/0028194 and hereafter referred to as "Elenbaas").

Regarding Claim 29, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh discloses that encoding tags and markers. Kwoh and Cragun are silent on encoding tags and markers detecting changes in flesh tone. Elenbaas discloses detecting changes in flesh tone for image analyze of important scenes or story segments (Page 4, paragraph 0028). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh in view of Cragun to encode tags and markers by detecting changes in flesh tone (Page 4, paragraph 0028) as taught by Elenbaas in order to improve search and retrieve techniques for interest in television program (Page 1, paragraph 0008) as disclosed by Elenbaas.

Regarding Claim 37, Kwoh and Cragun disclose all the limitations of Claim 19. Elenbaas discloses that the plurality of video segments in the video stream comprise

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delayed signal that is sent to the STB at a viewer's premises (Page 6, paragraph 0040). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh in view of Cragun that the video segments in the video stream comprise delayed signal that is sent to the STB at a viewer's premises (Page 6, paragraph 0040) as taught by Elenbaas in order to improve search and retrieve techniques for interest in television program (Page 1, paragraph 0008) as disclosed by Elenbaas.

18. Claims 30, 32 and 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Cragun as applied to claim 19 above, and further in view of Ahmad et al (US 6,880,171 and hereafter referred to as "Ahmad").

Regarding Claims 30 and 34, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh discloses that encoding tags and markers. Kwoh and Cragun are silent on encoding tags and markers detecting changes in audio including music within the video stream. Ahmad discloses detecting changes in audio levels including music (Column 25, lines 17-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh in view of Cragun to encode tags and markers by detecting changes in audio levels including music (Column 5, lines 17-25) as taught by Ahmad in order to categorize and organize segments of information (Column 1, lines 39-62) as disclosed by Ahmad.

Regarding Claim 32, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh and Cragun are silent on markers inserted to indicate the division between the

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video segments and tags inserted to indicate content by automatic detection of changes in color within the video stream. Ahmad discloses that markers inserted to indicate the division between the video segments and tags inserted to indicate content by automatic detection of changes in color within the video stream (Column 16, lines 37-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh in view of Cragun to insert markers to indicate the division between the video segments and insert tags to indicate content by automatic detection of changes in color within the video stream (Column 16, lines 37-53) as taught by Ahmad in order to categorize and organize segments of information (Column 1, lines 39-62) as disclosed by Ahmad.

19. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Cragun as applied to claim 19 above, and further in view of Gove (5,099,322).

Regarding Claim 31, Kwoh discloses that scenes can be blocked via tags and markers within the video stream if there is offensive matter (Column 11, lines 15-50). Kwoh and Cragun are silent on the video stream being encoded based on detection of changes in light levels. Gove discloses that each video segment is defined by automatic detection of changes in light level within the video stream (Column 3, lines 1-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh in view of Cragun to insert markers to indicate the division between the video segments and insert tags to indicate content by automatic detection of changes in light levels within the video stream (Column 3, lines

1-16) as taught by Gove in order to analyze the scene changes in a video signal (Column 1, lines 65-68) as disclosed by Gove.

20. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Cragun as applied to claim 19 above, and further in view of Abecassis.

Regarding Claim 35, Kwoh and Cragun discloses all the limitations of Claim 19. Kwoh discloses that scenes can be blocked via tags and markers within the video stream if there is offensive matter (Column 11, lines 15-50). Kwoh and Cragun are silent on the video stream being encoded based on detection of scene changes. Abecassis discloses that the video stream is automatically encoded with markers and tags within the video stream based upon detection of changes of scenes (Figure 3A). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh in view of Cragun to automatically encode the video stream with markers and tags within the video stream based upon detection of changes of scenes (Figure 3A) as taught by Abecassis in order to provide censoring capabilities in programs (Column 2, lines 20-27) as disclosed by Abecassis.

21. Claims 42-44, 46, 49, 51, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun in view of Freeman et al (US 5,861,881 and hereafter referred to as "Freeman") and Rosser.

Regarding Claim 42, Cragun discloses a system for selecting an encoded regular video stream encoded with tags and markers (Figure 1) comprising: a video blanking



interval decoder that separates said tags and said markers from said encoded regular video stream (Figure 1, 103, 102, 113); a comparator, coupled to said video blanking interval decoder (Figure 1, 104), that receives said tags and said markers and viewer preferences and compares said tags with said viewer preferences to select and exclude said video segments (Figure 1, 104); a storage device (Figure 1, 105), coupled to the comparator, that stores said viewer preferences of said viewer (Figure 1, 105, Column 6, lines 25-29). Cragun discloses that video streams can come from broadcast and storage/VCR (Figure 1). Cragun discloses that the video presentation system or STB can store multiple profiles; the STB has only one storage device that is coupled to the CPU or comparator, which would make it obvious that the profile or preferences are stored in the storage coupled to the comparator. Cragun is silent on the filter/switch and the video on demand system or having an alternate signal. Freeman discloses that the STB receives two separate video signals (Figure 1, 10, 42, Figure 1, 38, Figure 6) switches between the two programs (Column 7, lines 49-59), which means the system inherently has a filter/switch. The CPU determines the correct program from a profile in order to perform switching (Column 7, lines 49-59), which reads on the comparator and therefore a filter/switch coupled to the comparator. The CPU also comprise a data extractor board for extracting data from the VBI which reads on the video blanking interval decoder, and therefore, the switch is coupled to the VBI decoder (Figure 1). Rosser discloses a video on demand system (Figure 1, 14, 26) that uses comparison data to generate a request signal for the alternate video segments or the

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insertions/advertisements do not fall with the profile causing a default advertisement to be requested for display (Column 7, lines 46,56Column 13, lines 33-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cragun to allow one signal to be blocked and replaced by an alternate signal by a switch (Column 7, lines 49-59) and the switch coupled to the comparator and a decoder (Figure 1, Column 7, lines 49-59) as taught by Freeman in order to integrate different signals (Column 2, lines 13-20) as disclosed by Freeman. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cragun to have a video on demand system and to replace the regular video stream with the alternate stream based on a request due to viewer preferences (Column 13, lines 33-41) as taught by Rosser in order to provide efficient power and memory at the set top device (Column 2, lines 16-20) as disclosed by Rosser.

Regarding Claim 43, Cragun, Freeman, Rosser disclose all the limitations of Claim 42. Cragun is silent on a regular broadcast stream and an alternate video stream. Rosser discloses a video content provider (Figure 1, 14) comprising a video stream source that generates multiple video sources (Figure 1, 14, 12). Rosser discloses that the video provider produces a signal which is sent to a central studio for further processing prior to rebroadcast and that the central studio can insert all video alternate signals for distribution (Column 7, lines 1-20), which reads on the studio containing switcher that receives control signals to generate broadcast video stream and an alternate video stream. It would have been obvious that particular control

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signals are sent to the central studio from the video provider so that processing occur, which would then include a controller that generates control signals.

Regarding Claim 44, Cragun, Freeman, Rosser disclose all the limitations of Claim 43. Kwoh is silent on studio cameras. Rosser discloses that the video stream source comprises studio cameras that generate video streams (Figure 1, 11).

Regarding Claim 46, Cragun, Freeman, Rosser disclose all the limitations of Claim 43. Cragun is silent on the video stream sources comprises a receiver that receives a remote video stream from a remote source. Freeman discloses that video stream source comprises a receiver for receiving a remote video from a remote source (Column 4, lines 26-28).

Regarding Claim 49, Cragun, Freeman and Rosser disclose all the limitations of Claim 43. Cragun is silent on alternate video. Rosser discloses that the alternate video stream comprises an alternate selection of video that replaces excluded video segments.

Regarding Claim 51, Cragun, Freeman and Rosser disclose all the limitations of Claim 42. Cragun is silent on the back channel. Rosser discloses that the back channel transmits request signal for alternate video segments comprises a cable (Figure 4, 132).

Regarding Claim 58, Cragun, Freeman and Rosser disclose all the limitations of Claim 42. Cragun discloses a system comprising a television monitor (Figure 1, 106). Freeman discloses that the monitor is coupled to said filter/switch, that receives the

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video segments from the filter/switch and displays said video segments (Figure 6, Column 8, lines 60-65).

22. Claims 45, 50, 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun in view of Freeman, Rosser as applied to claim 42 above, and further in view of Kwoh.

Regarding Claim 45, Cragun, Freeman, Rosser disclose all the limitations of Claim 43. Freeman discloses that there is program storage means at the video stream source. Cragun, Freeman, Rosser are silent on the source comprising a video tape bank. Kwoh discloses that video stream source comprises a video tape bank (Figure 20, 10006). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cragun in view of Freeman and Rosser for the source to comprise a video tape bank (Figure 20, 10006) as taught by Kwoh in order to provide television and videos for viewers with selective programming interests to block all offensive material (Column 1, lines 19-40) as disclosed by Kwoh.

Regarding Claim 50, Cragun, Freeman and Rosser disclose all the limitations of Claim 42. Kwoh discloses that an alternate video slate is applied to the filter/switch (Figure 26, 750, Figure 31a, Figure 31b) and having alternate video slate displayed (Figure 32), which reads on an alternate video slate generator generating an alternate video slate signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cragun in view of Freeman and Rosser to have an alternate video slate generator, coupled to a switch (Figure 26, 750),

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generating an alternate video slate signal (Figure 31a, Figure 31b, Figure 32) as taught by Kwoh in order to provide television and videos for viewers with selective programming interests to block all offensive material (Column 1, lines 19-40) as disclosed by Kwoh.

Regarding Claim 54, Cragun, Freeman, Rosser, and Kwoh disclose all the limitations of Claim 50. Cragun is silent on advertisements. Rosser discloses that the alternate video slate signal can be advertisements (Column 13, lines 49-59).

Regarding Claim 55, Cragun, Freeman, Rosser, and Kwoh disclose all the limitations of Claim 50. Cragun discloses programs or video is sent to the STB. Cragun is silent on alternate signals. Rosser discloses that the alternate video slate signal can be any standard displays (Column 12, lines 17-34, Column 13, lines 49-59).

Regarding Claim 56, Cragun, Freeman, Rosser, and Kwoh disclose all the limitations of Claim 51. Rosser discloses standard telecommunication connections (Figure 4, 130, 132). Cragun, Freeman, and Rosser are silent on the asymmetric system. A back channel comprises an asymmetric system that uses standard telecommunication systems. Kwoh discloses that video stream source comprises a video tape bank or an asymmetric system (Figure 20, 10006). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cragun in view of Freeman and Rosser for the back channel to connect to a video tape bank or asymmetric system (Figure 20, 10006) as taught by Kwoh in order to provide television and videos for viewers with selective programming interests to block all offensive material (Column 1, lines 19-40) as disclosed by Kwoh.

Regarding Claim 57, Cragun, Freeman, Rosser, and Kwoh disclose all the limitations of Claim 50. Cragun is silent on a cable back channel. Rosser discloses that the back channel comprises a cable (Figure 4, 132).

23. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun in view of Freeman and Rosser as applied to claim 43 above, and further in view of Cobbley et al (US 5,614,940 and hereafter referred to as "Cobbley").

Regarding Claim 47, Cragun, Freeman, Rosser disclose all the limitations of Claim 43. Cragun, Freeman, Rosser are silent on a marker generator, a computer generating tag information. Cobbley discloses that the markers are generated (Column 3, lines 60-67, Column 4, lines 1-7, Figure 3, 305), which would mean that the system inherently includes a marker generator. Cobbley discloses that a computer or the broadcast receiver (Figure 1, 110, Figure 5) generates custom tag information (Column 4, lines 39-45), by utilizing a speech recognition process (Column 4, lines 39-45, Column 8, lines 16-25), which reads on voice recognition software, coupled to the computer or the broadcast receiver and capture device (Figure 1, 110, 115), tag storage that stores the custom tag information (Figure 1, 125), keyboard to enter information (Column 15, lines 1-10), a cursor control device or an alphanumeric input device. It would have been obvious for the input device to be a remote control as a remote control can activate the cursor. The receiver can generate the necessary tags based on closed captioning material (Column 4, lines 39-45), which can include inputting

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information and commands via an input device (Column 14, lines 23-45). It would have been obvious for the use of input device to generate tag information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cragun in view of Freeman and Rosser to include a marker generator (Figure 3, 305), a computer that generates custom tag information (Column 4, lines 30-45) using a voice recognition software, coupled to the computer (Column 8, lines 16-25), tag storage to store the tag information (Figure 1, 125, 128, 130), a keyboard and a remote control to generate custom tag information (Column 15, lines 1-10) as taught by Cobbley in order to provide video and audio information of interest to users in an indexed manner (Column 1, lines 8-11, 31-36) as disclosed by Cobbley.

Regarding Claim 48, Cragun, Freeman, Rosser and Cobbley disclose all the limitations of Claim 47. Cragun discloses that video streams are encoded with tags and markers (Figure 1). Freeman discloses that two signals are received and a switcher switches between the two signals (Figure 6). Rosser discloses the broadcast video stream and alternate video stream (Column 13, lines 39-59). Cobbley discloses a video blanking interval encoder (Figure 1, 115), coupled to said marker generator (Figure 1, 105) and said computer (Figure 1, 110) and said remote control (Column 15, lines 1-10) and said keyboard (Column 15, lines 1-10) and said voice recognition software (Column 4, lines 30-45, Column 8, lines 16-25) and said tag storage, that receives said markers and said tags (Figure 1, 125, 128, 130), and encoded streams are sent to a headend (Figure 1, 125).

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24. Claims 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun in view of Freeman, Rosser, Kwoh as applied to claim 50 above, and further in view of Reilly et al (US 5,740,549 and hereafter referred to as "Reilly").

Regarding Claim 52, Cragun, Freeman, Rosser, and Kwoh disclose all the limitations of Claim 50. Cragun, Freeman, Rosser and Kwoh are silent on the alternate video slate signal comprising a screen saver. Reilly discloses a signal comprising a screen saver based on viewer preferences (Column 11, lines 40-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cragun in view of Freeman, Rosser and Kwoh to have the alternate video slate signal comprise a screen saver (Column 11, lines 40-52) as taught by Reilly in order to provide information to viewers matching viewers' interest (Column 1, lines 1-10) as disclosed by Reilly.

Regarding Claim 53, Cragun, Freeman, Rosser, and Kwoh disclose all the limitations of Claim 50. Cragun, Freeman, Rosser and Kwoh are silent on the alternate video slate signal comprising wallpaper. Reilly discloses a signal comprising wallpaper based on viewer preferences (Column 10, lines 19-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cragun in view of Freeman, Rosser and Kwoh to have the alternate video slate signal comprise a screen saver (Column 10, lines 19-34) as taught by Reilly in order to provide information to viewers matching viewers' interest (Column 1, lines 1-10) as disclosed by Reilly.



25. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Rosser as applied to claim 61 above, and further in view of Cragun.

Regarding Claim 62, Kwoh and Rosser disclose all the limitations of Claim 61. Kwoh and Rosser are silent on encoding tags comprises encoding key words. Cragun discloses encoding tags is encoding keywords within the video stream, relating to the content of the video stream and (Figure 1, Figures 4D, 4E) and comparing the key words with preference information to select the preferred video segments and exclude the unwanted video segments (Figure 6). Regarding Claim 6, Cragun disclosed that the keywords are input by the viewer (Figure 4D, 4E). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh in view of Rosser to include key words as tags to compare to preference information (Figures 1, 4D, 4E, 6) as taught by Cragun in order to selectively view programs or portions of programs by editing out programming that is offensive (Column 1, lines 34-39) as disclosed by Cragun.

26. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Cragun as applied to claim 19 above, and further in view of Ahmad and Elenbaas.

Regarding Claim 67, Kwoh and Cragun disclose all the limitations of Claim 19. Kwoh discloses that encoding tags and markers. Kwoh and Cragun are silent on encoding tags and markers detecting changes in flesh tone and music within the video

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stream. Ahmad discloses detecting changes in music (Column 25, lines 17-40).

Elenbaas discloses detecting changes in flesh tone (Page 4, paragraph 0028).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh in view of Cragun to encode tags and markers by detecting changes in music (Column 5, lines 17-25) as taught by Ahmad in order to categorize and organize segments of information (Column 1, lines 39-62) as disclosed by Ahmad and to encode tags and markers by detecting changes in flesh tone (Page 4, paragraph 0028) as taught by Elenbaas in order to improve search and retrieve techniques for interest in television program (Page 1, paragraph 0008) as disclosed by Elenbaas.

27. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Ahmad and Elenbaas.

Regarding Claim 68, Kwoh discloses all the limitations of Claim 1. See rejection of Claim 67. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwoh to encode tags and markers by detecting changes in music (Column 5, lines 17-25) as taught by Ahmad in order to categorize and organize segments of information (Column 1, lines 39-62) as disclosed by Ahmad and to encode tags and markers by detecting changes in flesh tone (Page 4, paragraph 0028) as taught by Elenbaas in order to improve search and retrieve techniques for interest in television program (Page 1, paragraph 0008) as disclosed by Elenbaas.

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**Conclusion**

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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FEH  
October 28, 2005

  
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